

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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Southern District of New York
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September 7, 2022

VIA ECF

The Honorable Richard M. Berman
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

**RE: United States v. Jeffrey Casiano
16 Cr 177 (RMB)**

Dear Judge Berman:

I write to respectfully request that the Court adjourn Mr. Casiano's VOSR hearing scheduled for Tuesday, September 13, 2022 to November 2022. The Government consents to an adjournment until the end of September but opposes an adjournment to November. That said, the Government notes that it is available at the Court's convenience should the Court grant Mr. Casiano's request.

An adjournment is necessary to allow the defense to prepare for what the Government now informs the defense will be a contested hearing with witness testimony. The defense requires an adjournment to November for the following reasons:

- 1) The Government is still producing discovery and the defense needs time to review it. The Government has mailed the defense a large hard drive of new evidence that it has not received yet (at least 50G). This evidence is subject to a Protective Order as attorney's eyes only, however the Government agrees that some of that material may need to be reclassified after review. This process will take time and may require additional investigation by the defense prior to a hearing.
- 2) Because the parties have been unable to reach a disposition, I am now required to find a second seat per our office's rules. I have successfully found co-counsel, but she is not available in late September due to childcare responsibilities and the Jewish Holidays. Additionally, I am not available in the last week of September due to my own childcare issues. As for

October, I am beginning a trial with Judge Hellerstein on October 19, 2022 that I expect will go at least a week.

- 3) Mr. Casiano's sentencing was adjourned in New Jersey until October. A November hearing will allow the parties to proceed with certainty as to how New Jersey resolved these charges.
- 4) The defense is considering filing a motion for a jury and reasonable doubt standard for this VOSR. This adjournment will allow our team time to consider this motion, prepare it, and allow the Government to respond if it does not agree.
- 5) This adjournment will allow the parties time to potentially reach a disposition that would avoid a hearing. That is still the preference of the defense. Mr. Casiano is willing to admit to the crime he was actually convicted of in New Jersey and proceed to sentencing.

The defense respectfully suggests the following dates for an in-person hearing: November 2, 3, 7, 16, 17, 28, or 29.

Respectfully submitted,

/s/ 

Ian Marcus Amelkin
Assistant Federal Defender
(212) 417-8733

Application granted. Hearing
adjourned to Wednesday,
November 2, 2022 at 9:00 AM.

SO ORDERED:

Date: 9/7/22


Richard M. Berman, U.S.D.J.